IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7193 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

BHUPENDRAKUMARR VITHALBHAI PATEL

Versus

EXECUTIVE DIRECTOR

Appearance:

1. Special Civil Application No. 7193 of 2001

MR TR MISHRA for Petitioner No. 1-3

MR KJ MACWAN for M/S TRIVEDI & GUPTA for Respondent

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 19/04/2002

ORAL JUDGEMENT

1. RULE. The learned counsel for the respondent waives service.

2. There was a consensus that in identical set of facts in respect of other petitioners in Special Civil Application No.2817 of 2001, this Court has taken the view that even under the relevant regulations it cannot be said that direct recruitments cannot be made from amongst the persons who do not fall within any of the categories of persons mentioned therein. Accordingly, that petition was allowed and the respondent was directed to consider the applications that were or might be made within ten days by the petitioners for direct recruitment to the post for which they were eligible. The consideration of their candidature was, of course, subject to the eligibility, suitability and availability of vacancies.

3. The only difference in the facts of the present case is in respect of the post for which the claim for consideration is made by the petitioners.

4. Respectfully agreeing with the ratio of the aforesaid judgment of this Court (Coram: R.M.Doshit, J.) in Special Civil Application No.2817 of 2001 dated 11.3.2002, this petition is allowed and the respondent is directed to consider the applications that are or may be made within ten days from today by the petitioners for direct recruitment to the post of Fireman/Junior Fireman subject to their eligibility, suitability and availability of vacancies. Rule is made absolute in the above terms with no order as to costs.

Sd/-

(D.H.Waghela, J.)

19.4.2002

(KMG Thilake)